

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND**

SHELDON MEYERS

COMPLAINT

Plaintiff

Index No:

vs.

ARCHDIOCESE OF NEW YORK,
ST. PETER'S CHURCH,

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

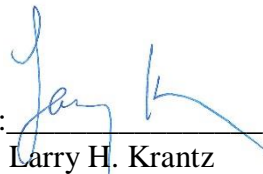
The basis of venue in this Court is it is the applicable court of jurisdiction where certain Defendants, namely St. Peter's Church, is located and has its principal place of operation. Further, virtually all, if not all, of the events giving rise to the claims alleged occurred in Richmond County.

DATED: October 31, 2019
New York, New York

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ARCHDIOCESE OF NEW YORK,
ST. PETER'S CHURCH,Defendants.

Plaintiff Sheldon Meyers ("Plaintiff"), by and through his undersigned attorneys, as and for his Complaint against the Defendants, alleges as follows:

NATURE OF ACTION

1. This action is brought under the auspices of New York's *Child Victims Act*.¹ It concerns the repeated acts of sexual abuse committed by a parish priest against Sheldon Meyers, who was an eight year old boy at the time of the abuse.

2. Plaintiff asserts state law claims for negligence, sexual abuse of a child by a person of trust, negligent hiring, retention, and supervision, negligent and intentional infliction of emotional distress, and negligent misrepresentation. Plaintiff seeks monetary damages for the injuries he has suffered.

3. The incidents alleged in this Complaint occurred in and around the summer of 1968 when Plaintiff was approximately eight years old and an attendee of a summer day camp held at, and run by, St. Peter's Church in Staten Island, New York.

¹ See Rule 214-g of New York Rules of Civil Practice Law & Rules ("CPLR").

4. Reverend John F. Carson (“Carson”), a former parish priest at St. Peter’s Church in Staten Island, who is now deceased, sexually, and otherwise, abused Plaintiff by, on, and around the following locations: (i) St. Peter’s Church property; and (ii) locations, including, but not limited to, nearby public pools in the Staten Island area.

PARTIES

5. Plaintiff Sheldon Meyers was born in 1960. He resides in Rochester, Monroe County, New York. At the time of the incidents in question, Plaintiff was an eight year old attendee of a summer day camp held at, and run by, St. Peter’s Church in Staten Island, New York.

6. Defendant Archdiocese of New York (the “Archdiocese”) is a religious corporation organized under the New York Religious Corporations Law, with its principal office at 1101 First Avenue, New York County, New York 10022. The Archdiocese is a Roman Catholic archdiocese. At all relevant times, the Archdiocese created, oversaw, supervised, managed, controlled, directed, and operated parishes or churches of the Archdiocese, including during all relevant times, St. Peter’s Church, located at 53 St. Mark’s Place, Staten Island, New York 10301.

7. Defendant St. Peter’s Church (“St. Peter’s” or the “Parish”) is a member of the Archdiocese, existing under the laws of the State of New York and with an office address of 53 St. Mark’s Place, Staten Island, New York, 10301. St. Peter’s is organized under the authority of the Archdiocese. At all relevant times, the Archdiocese oversaw, supervised, managed, and directed St. Peter’s.

JURISDICTION AND VENUE

8. By reason of the foregoing, this Court has jurisdiction over the Defendants under Section 301 *et seq.* of the CPLR.

9. Venue is proper in this county under CPLR § 503(a) because certain Defendants, namely St. Peter's Church, is located and has its principal place of operation in Richmond County. Further, virtually all, if not all, of the events giving rise to the claims alleged occurred in Richmond County.

FACTS

10. The incidents complained of herein are alleged to have occurred in and around the summer of 1968 when Plaintiff was eight years old.

11. Plaintiff was an attendee of a summer day camp held at, and run by, St. Peter's Church in Staten Island, New York in and around the summer of 1968 when he was physically and sexually abused, on a nearly daily basis, by Carson, a former priest at the Parish. St. Peter's is organized under the authority of the Archdiocese. At all relevant times, the Archdiocese oversaw, supervised, managed, and directed St. Peter's.

12. Carson said the morning prayer to the camp and often accompanied the camp attendees on informal field trips to nearby public pools in the Staten Island area.

13. During these field trips, Carson would sexually abuse and molest Plaintiff. While Plaintiff was in the shallow end of the pool, Carson would walk up behind Plaintiff and force his hands down Plaintiff's swim trunks to fondle and grope him. These incidents constitute sexual offenses against a child fewer than eighteen years of age, as defined in Article 130 of the New York Penal Law.

14. Plaintiff was not the first camp attendee at the Parish to have problems of this sort with Carson, as it was an often discussed "open secret" among the other camp attendees, who would frequently ask Plaintiff whether Carson "did his thing" to him while Plaintiff was swimming in the pool.

15. Despite these obvious indications of abuse occurring at the camp and the Parish, no employee or representative of either the Parish or the Archdiocese ever reached out to discover the extent of Plaintiff's abuse, how it occurred, and what, if anything, the Parish or the Archdiocese knew about Carson prior to or contemporaneous with his acts of abuse against Plaintiff.

16. Furthermore, Defendants took no action to prevent Carson from again having access to children, as, upon information and belief, Carson continued to have involvement with the camp and continued to use his status as parish priest to molest and abuse other minors who attended the camp and/or were a part of the Parish.

17. To this end, Defendants aided and abetted Carson in his efforts to capitalize upon his unfettered access to minors to gratify his prurient interests, including his interest and abuse of Plaintiff.

18. Following Carson's physical and sexual abuse of Plaintiff while at the summer day camp, Plaintiff began to experience intense anxiety and fear of men that he did not know. This fear became so extreme that Plaintiff even stopped going outside to play for a period of time. Plaintiff sought and received treatment at Staten Island Children's Mental Health Society (now Staten Island Mental Health Society).

19. As a direct result of the conduct of Defendants described herein, Plaintiff was prevented, and will continue to be prevented, from performing many normal daily activities and achieving full enjoyment of his life. Defendants' physical and sexual abuse of Plaintiff, and/or their implicit role therein, has caused Plaintiff considerable emotional distress. Plaintiff has experienced, and continues to experience, considerable symptoms and injuries all related to the abuse he suffered at the hands of a person of trust, including, but not limited to: great pain of mind and body; shock; emotional distress; discomfort; physical manifestations of emotional distress; depression; anxiety;

embarrassment; loss of self-esteem; disgrace; humiliation; loss of enjoyment of life; trust issues; sleep disturbances/sleeplessness; sensory issues, particularly to touch; and distrust and difficulty interacting with persons of authority, including doctors, psychologists, and therapists. He has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling. Based upon information and belief, Plaintiff has incurred, and will continue to incur, loss of income and loss of earning capacity.

CAUSES OF ACTION

COUNT I NEGLIGENCE CHILDHOOD SEXUAL ABUSE AND VICARIOUS LIABILITY (Against all Defendants)

20. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 19 above with the same force and effect as if more fully set forth here, and further alleges:

21. At all relevant times alleged herein, and during his employment, Carson was an employee of Defendants and was thereby given access to Plaintiff during the course and scope of his duties, when his employer knew, or should have known, that Carson presented an unreasonable risk of harm to his minor parishioners and/or camp attendees.

22. Carson's repeated physical and sexual contact and attendance on informal camp field trips and activities with Plaintiff and other minor camp attendees constituted further "red flags" that went unheeded despite the well-known rumors concerning Carson's increasingly predatory behavior toward, and inappropriate physical and sexual contact with, the camp attendees. Because of the negligence of Defendants, Carson's actions went unchecked, allowing him to continue to groom, molest, and abuse Plaintiff, a minor camp attendee, for the entirety of the camp during the summer of 1968.

23. Defendants had a non-delegable duty to protect their minor camp attendees, like Plaintiff, from unwanted sexual contact, sexual abuse, and the associated trauma resulting therefrom. Here, Defendants failed to take any reasonable steps to ensure the safety of their camp attendees, and Plaintiff in particular.

24. The Defendants, by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known of Carson's dangerous and exploitative propensities and/or that Carson was an unfit agent because of his sexual interest in children.

25. It was reasonably foreseeable that if the Defendants did not adequately exercise or provide the duty of care owed to children in their control and care, including, but not limited to, Plaintiff, the children entrusted to their care would be vulnerable to sexual abuse by the Defendants' agents, servants and/or employees, including Carson.

26. Each Defendant breached the duty of care it owed to the minor Plaintiff by failing to protect him from foreseeable harm of sexual misconduct of its employees or personnel, including Carson.

27. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. He was prevented, and will continue to be prevented, from performing his daily activities and obtaining the full enjoyment of life. He has sustained, and will continue to sustain, loss of earnings and earning capacity. He has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

28. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT II
NEGLIGENCE – HIRING/RETENTION
(Against all Defendants)

29. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 28 above with the same force and effect as if more fully set forth here, and further alleges:

30. The Defendants each had a duty to protect Plaintiff when he was entrusted to their care by Plaintiff's parents. Consequently, the Defendants owed Plaintiff, in addition to a duty of ordinary care, the higher duty of care for adults supervising children within their care and control. At minimum, the Defendants owed Plaintiff a duty to be protected from harm inflicted by Carson when Plaintiff received camp services administered by St. Peter's.

31. The Archdiocese at all relevant times represented that the Roman Catholic churches within the Archdiocese were safe places for minors to attend, and that the staff at those schools were individuals to whom it was safe to entrust the care of minor children. The Archdiocese entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for him.

32. The Defendants, by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known of Carson's dangerous and exploitative propensities and/or that Carson was an unfit agent because of his sexual interest in children. It was reasonably foreseeable that if the Defendants did not adequately exercise or provide the duty of care owed to children in their control and care, including, but not limited to, Plaintiff, they would be vulnerable to sexual abuse by the Defendants' agents, servants and/or employees, including Carson.

33. Each of the Defendants breached its duty of care owed to Plaintiff by failing to protect him from foreseeable harm of sexual misconduct of their respective employees or personnel, including Carson.

34. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. He was prevented, and will continue to be prevented, from performing his daily activities and obtaining the full enjoyment of life. He has sustained, and will continue to sustain, loss of earnings and earning capacity. He has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

35. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**COUNT III
NEGLIGENT SUPERVISION
(Against all Defendants)**

36. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 35 above with the same force and effect as if more fully set forth here, and further alleges:

37. The Defendants had a duty to provide reasonable supervision of their employee and agent, Carson, when he interacted with minor camp attendees and to follow up on any reports of misconduct.

38. It was reasonably foreseeable that those employees and agents of the Defendants with a sexual interest in children, including Carson, would act upon those interests and sexually abuse children, including the Plaintiff, unless properly supervised.

39. The Defendants, by and through each entity's respective agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known, of Carson's dangerous and exploitative propensities and/or that Carson was an unfit agent due to his sexual interest in children.

40. Despite such knowledge, the Defendants each breached its respective duty to provide reasonable supervision of Carson or indeed to remove him entirely from the presence of children, including Plaintiff. These failures enabled Carson, who was routinely in a position of ready access to children, to sexually abuse Plaintiff.

41. At all times relevant hereto, including, but not limited to, during the sexual abuse of minor camp attendees, Carson was acting in the course and scope of his employment with the Defendants as their agent, apparent agent, servant and/or employee. At all relevant times, the Archdiocese exercised its oversight responsibilities to oversee, supervise, manage, and direct the activities at St. Peter's.

42. As a result of the above-described conduct, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, shock, emotional distress, discomfort, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. He was prevented, and will continue to be prevented, from performing his daily activities and obtaining the full enjoyment of life. He has sustained, and will continue to sustain, loss of earnings and earning capacity. He has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

43. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT IV
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against all Defendants)

44. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 43 above with the same force and effect as if more fully set forth here, and further alleges:

45. By employing Carson, by choosing to place Carson in a position wherein he would work unsupervised, and in close proximity to children, when Defendants had actual knowledge, knew, or reasonably should have known of Carson's predilections, and by allowing Carson access to numerous children, Defendants caused Plaintiff to be sexually abused. The Defendants acted with extreme and outrageous conduct, which intentionally and/or recklessly caused severe emotional distress and bodily harm to Plaintiff.

46. Carson, in his molestation and abuse of Plaintiff, acted with extreme and outrageous conduct that would shock the conscience of a reasonable person when he repeatedly molested and abused a minor who was an attendee of the summer day camp held at, and run by, St. Peter's Church. This conduct was atrocious and transcended all bounds of decency, such that this conduct would be utterly intolerable in a civilized society.

47. Plaintiff suffered severe emotional distress, including severe mental anguish, due to Defendants' intentional and/or reckless, extreme, and/or outrageous conduct.

48. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

COUNT V
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(In the Alternative to Count IV, Against all Defendants)

49. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 48 above with the same force and effect as if more fully set forth here, and further alleges:

50. By employing Carson, by choosing to place Carson in a position wherein he could work unsupervised and with close proximity to children when they had actual knowledge, knew, or reasonably should have known of Carson's predilections, and by allowing Carson access to numerous children, Defendants caused Plaintiff to be sexually abused. To the extent Defendants' acts do not constitute intentional infliction of emotional distress, Defendants' negligence placed Plaintiff in danger of bodily harm and thereby caused Plaintiff to suffer extreme physical injury and emotional distress as a result.

51. Defendants' repeated failures in employing, and continuing to employ, Carson, holding out their premises as a safe environment for children, despite having reason to know of the potential dangers to children therein, subjected Plaintiff to sexual abuse and harassment at the hands of Carson.

52. By employing Carson to work unsupervised with children and/or allowing him to accompany minor camp attendees on field trips to public pools, Defendants subjected Plaintiff to sexual abuse and harassment at the hands of Carson by allowing him to have ready, unfettered access to minor camp attendees, including Plaintiff, to gratify his prurient desires.

53. Plaintiff suffered severe emotional distress, including severe mental anguish and physical injury, due to the Defendants' negligence and extreme recklessness.

54. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

**COUNT VI
NEGLIGENT MISREPRESENTATION**

(Against all Defendants)

55. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 54 above with the same force and effect as if more fully set forth here, and further alleges:

56. Upon information and belief, the Defendants each affirmatively represented to Plaintiff and his family that their parish, facilities, and programs were safe environments for children.

57. Upon information and belief, the Defendants each affirmatively represented to Plaintiff and his family that they had sufficient policies and procedures in place to ensure that children were safe in their facilities and programs.

58. Upon information and belief, the Defendants each affirmatively represented to Plaintiff and his family that Carson did not have a history of abusing, harassing and/or molesting children, that the Defendants did not know or suspect that Carson had a history of molesting children and/or that the Defendants did not know that Carson was a danger to children.

59. Each representation was material and false.

60. In addition to the representation being made directly to Plaintiff and his parents, the Defendants, through their officials, made these representations with knowledge and intent that they would be communicated to the Plaintiff through their parents/caregivers' words and actions. Defendants also had reason to believe that the representations would influence the amount and type of time spent in close proximity with Carson during camp field trips and activities, Carson's access to Plaintiff, and Carson's ability to molest Plaintiff.

61. Based on information and belief, Carson had a history of molesting children, and was openly and notoriously molesting and abusing Plaintiff during the relevant time frame. The Defendants should have known that Carson had a history of sexually molesting children and/or that he posed an obvious and ongoing danger to children, specifically Plaintiff.

62. Plaintiff and his family justifiably relied upon the Defendants' misrepresentations, which caused Plaintiff to suffer harassment, molestation, and sexual abuse by Carson, as well as suffer other damages described herein.

63. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), 1602(7).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Sheldon Meyers respectfully requests that the Court enter judgment in his favor against Defendants, and issue an order containing the following relief:

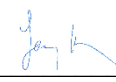
- (a) Compensatory and punitive damages against each Defendant, jointly and severally, together with interest and costs of suit in excess of any jurisdictional amount requiring compulsory jurisdiction or arbitration.
- (b) Plaintiff's attorneys' fees and costs.
- (c) Prejudgment interest to the extent permitted by law.
- (d) Such other and further relief as the Court may deem just and proper.

DATED: October 31, 2019
 New York, New York

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